



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,945	11/15/2000	Tuan Tran	80168-0131	8533

32658 - 7590 07/19/2004

HOGAN & HARTSON LLP
ONE TABOR CENTER, SUITE 1500
1200 SEVENTEEN ST.
DENVER, CO 80202

EXAMINER


KARMIS, STEFANOS

ART UNIT PAPER NUMBER

3624

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/711,945	Applicant(s) TRAN, TUAN	
	Examiner Stefano Karmis	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3 and 5-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, and 5-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to Applicant's amendment filed on 23 June 2004.

Status of Claims

2. Claims 1, 12, 14, 15 and 21 have been amended in the same amendment. Claims 2 and 4 have been cancelled. Remaining claims have been left as originally filed. Therefore claims 1, 3 and 5-21 are under prosecution in this application.

Summary of this Office Action

3. Applicant's arguments filed on 23 June 2004 have been fully considered but they are not persuasive. Therefore claims 1, 3, and 5-21 stand rejected as stated in the previous office action, paper number 8, and Applicant's request for allowance is respectfully denied at this time.

Response to Arguments

4. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Art Unit: 3624

5. Regarding independent claim 1, Applicant ascertains that the prior art of record Brady, fails to teach a framework engine that generates a request for transaction framework for a market maker “based on attribute parameters” that are selected and defined by a market maker.

However, Brady specifically teaches that request for quotes process consists of trading parameters which are under the control of the market maker, thus allowing the market maker to select and define the parameters (page 4, paragraphs 0038-0040).

6. Additionally in independent claim 1, Applicants states that Brady fails to teach that a developer can dictate the form of requests for transactions by defining structured attribute information via a framework engine. Brady does teach however, structured attribute information that is defined by the market maker using the framework engine (page 4, paragraphs 0038-0040, paragraph 0044 and Figures 4A thru 4C). The trading parameters are under control of the market maker and allow the market maker to define attribute information such as the bid and ask prices and quantities for the market, which are necessary for the transaction request. Brady further teaches that these parameters are under control of the market maker and the market maker selects which parameter and defines the desired value.

7. Regarding claim 6 and 8, Applicant contests that Brady fails to teach that the market maker can define the analysis framework that is then made available to providers who can extend the attributes used by the analysis framework to analyze the request. However, Brady teaches that a subscriber request to analyze an attribute such as price requires that parameters set by the market maker be sent to the subscriber for the analysis (page 5, paragraph 0053-0056).

Art Unit: 3624

Therefore allowing a market maker to determine what analysis framework is available to subscribers for analyzing any received requests.

8. Regarding independent claim 12, Applicant states that Brady fails to teach analyzing a plurality of responses based on a set of attributes that are “extensible by the user.” Brady teaches however, that a subscriber is able to change parameters such as price, quantity, and buy/sell (page 3, paragraph 0033). Further, these parameters are also used to provide analysis for a plurality of responses from a market maker to the subscriber as described above regarding claims 6 and 8. Hence, Brady teaches that the subscriber and not just the market maker also influence the parameters. Further, Applicant ascertains that Brady fails to teach that a market maker can provide input that will vary which attributes are included in a request for transaction. Similarly to claim 1, Brady specifically teaches that request for quotes process consists of trading parameters which are under the control of the market maker, thus allowing the market maker to select and define the parameters (page 4, paragraphs 0038-0040).

9. Regarding claims 13 and 14, Applicant’s remarks are similar to that of claim 6.

Therefore the response to claims 13 and 14 follows with the remarks above for claim 6.

10. Regarding independent claim 15, Applicant submits that Brady fails to teach creating new attributes and selecting an analysis framework, and therefore, cannot teach developing the request for transaction based on the new attributes and the analysis framework. However, Brady clearly teaches that the market maker generates a matrix of parameters such as bid, ask prices

Art Unit: 3624

and quantities (page 4, paragraph 0045 and page 5 paragraph 0054). Therefore the market maker by generating these values for the parameter is creating these attributes that are then used for requests for transactions.

11. Regarding independent claim 21, the remarks made by the Applicant are similar to those of claim 1. Therefore the response is similar to that described above regarding independent claim 1.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3624

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (703) 305-8130. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted
Stefano Karmis
15 July 2004



HANI M. KAZIMI
PRIMARY EXAMINER